

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

MARTHA L. MILLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 3:06-0357
	)	Judge Trauger
ALADDIN TEMP-RITE, LLC,	)	Magistrate Judge Brown
	)	
Defendant.	)	

**ORDER**

On April 21, 2006, the Magistrate Judge issued a Report and Recommendation, recommending that this case be dismissed for failure to state a claim upon which relief may be granted. (Docket No. 3) The plaintiff has filed a timely objection. (Docket No. 4) This court makes a *de novo* determination of any portion of the Magistrate Judge's disposition to which a specific objection is made. Rule 72(b), FED. R. CIV. P.; 28 U.S.C. § 636(b)(1)(C).

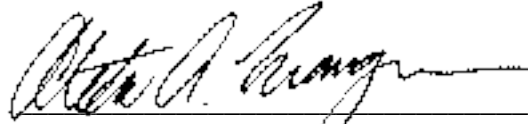
The plaintiff attempts to clarify that she is bringing this case under the Americans With Disabilities Act, 42 U.S.C. § 12101, *et seq.* As such, as correctly ruled by the Magistrate Judge, the plaintiff must timely file a claim with the Equal Employment Opportunity Commission before filing suit in this court. (Docket No. 3 at 6) No such proof of having complied with this administrative process has been presented by the plaintiff with her submittal and, in all likelihood, the statute of limitations would have long since run on a claim under the Americans With Disabilities Act anyway.

For the reasons expressed herein, the objections of the plaintiff are **OVERRULED**. The Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of

law of this court. For the reasons expressed therein, this case is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B)(ii), in as much as it fails to state a claim upon which relief may be granted.

It is so **ORDERED**.

ENTER this 5<sup>th</sup> day of July 2006.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

ALETA A. TRAUGER  
U.S. District Judge